

PIETRAGALLO, BOSICK & GORDON LLP

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FACSIMILE TRANSMISSION COVER PAGE

DATE: December 30, 2005
RECIPIENT: Latrice Sims
COMPANY: USPTO Office of Finance
RECIPIENT'S FAX NO.: (571) 273-6500
FROM: Christine J. Graff
FILE NUMBER: U.S. Serial No. 10/723,487, Filed November 26, 2003
(Atty. Docket No. SAMC-63916)

PAGES (including cover page): 14

MESSAGE:

Please process a refund in the amount of \$60 to Deposit Account 500859 (in the name of Pietragallo, Bosick & Gordon). Please issue a credit to the account.

On March 14, 2005, \$60 was charged to our account for a One Month Extension of Time. We submitted an Amendment on February 28, 2005 in response to an Office Action (mailing date of November 30, 2004), so the Amendment was timely filed and an Extension was not needed, nor was one requested.

Please call me directly if you require any additional information.

Attachments: - March 2005 Deposit Account Statement for Deposit Account 500859 (3 pages)
- Copy of Amendment, Transmittal and postcard - (10 pages)

SENT BY: Christine J. Graff TELEPHONE NUMBER: (412) 263-4371

CONFIRMATION COPY:

☐ VIA U.S. MAIL ☐ VIA INTERNATIONAL FEDERAL EXPRESS
☐ VIA AIR MAIL ☒ NONE

Best Available Copy

Deposit Account Statement

Page 1 of 3


**United States
Patent and
Trademark Office**

 Remit To
 USPTO
 Home
 Page
 Finance
 Online
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 Page
Deposit Account Statement

Requested Statement Month: March 2005
 Deposit Account Number: 500859
 Name: PIETRAGALLO, BOSICK, & GORDON
 Attention: ALAN G. TOWNER, ESQ.
 Address: ONE OXFORD CENTRE 38TH FLOOR
 City: PITTSBURGH
 State: PA
 Zip: 15219-6404
 Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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03/02	42	11066354	NORT 54233	1311	\$200.00	\$14,797.00
03/02	87	11066341	NORT 54232	1011	\$300.00	\$14,497.00
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03/10	126	11066341	NORT 54232	8021	\$40.00	\$30,862.00

Deposit Account Statement

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03/30 257	10119057	WEX 49205 2501	\$700.00	\$14,960.00

Deposit Account Statement

Page 3 of 3

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03/31 103 10119057	WEX 49205 8021	\$40.00	\$14,620.00	

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$16,107.00	\$25,585.00	\$24,088.00	\$14,620.00

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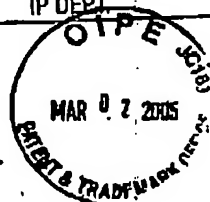
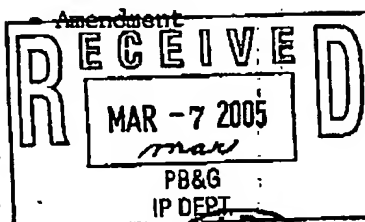
FILE ON CPI

- Transmittal Form

The dating stamp of the Patent Office
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Applicant(s) McCuskey et al.Serial No. 10/723,487Atty's File No. SAMC 63916Paper Dated 2/28/2005

AGT:jsw



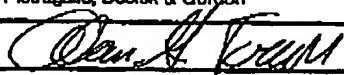
SAMC-1
SAMC 63916

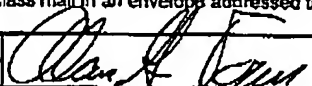
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 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/723,487
	Filing Date	November 28, 2003
	First Named Inventor	Scott A. McCuskey
	Art Unit	3632
	Examiner Name	Gwendolyn Wrenn Baxter
Total Number of Pages in This Submission	Attorney Docket Number	SAMC 63918

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - return postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Pietragallo, Bosick & Gordon		
Signature			
Printed name	Alan G. Towner		
Date	February 28, 2005	Reg. No.	32,049

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Alan G. Towner	Date	February 28, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	10/723,487	Confirmation No. 9528
Applicant	:	Scott A. McCuskey et al.	
Filed	:	November 26, 2003	
Title	:	WEAPON CADDY	
Art Unit	:	3632	
Examiner	:	Gwendolyn Wrenn Baxter	
Docket No.	:	SAMC 63916	
Customer No.	:	29694	

AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 28, 2005

Sir:

In response to the Office Action dated November 30, 2004, please amend the above-identified application as follows.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

Application No. 10/723,487
Amendment dated February 28, 2005
Reply to Office Action of November 30, 2004

Amendments to the Claims:

This list of claims will replace all prior versions and listings of claims in the application.

Listing of Claims:

Claim 1 (currently amended): A caddy for supporting a weapon, the caddy comprising:

a mounting bracket structured and arranged for mounting on a support structure;

a base member slidably mounted on the mounting bracket; ~~[[and]]~~
a coupling between the mounting bracket and the base member which permits both sliding and rotating movement between the mounting bracket and base member;
and

a cradle member mounted on the base member and structured and arranged for supporting the weapon.

Claim 2 (canceled)

Claim 3 (currently amended): The caddy of Claim ~~[[2]]~~ 1, wherein the base member is slidable in a substantially horizontal direction when the mounting bracket is mounted on the support structure.

Claim 4 (currently amended): The caddy of Claim 1, wherein the ~~base member coupling~~ comprises a slot ~~and the mounting bracket comprises a bolt extending through the slot and movable along the slot~~ bolt extending through the mounting bracket and a slot in the base member in which the bolt is slidable, wherein the base member is pivotable around the bolt.

Claims 5-6 (canceled)

Claim 7 (currently amended): The caddy of Claim ~~[[6]]~~ 1, wherein the base member is rotatable around a substantially vertical axis when the mounting bracket is mounted on the support structure.

Claim 8 (original): The caddy of Claim 1, wherein the cradle member is slidably mounted on the base member.

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Amendment dated February 28, 2005
Reply to Office Action of November 30, 2004

Claim 9 (original): The caddy of Claim 8, wherein the cradle member is slidable in a substantially vertical direction when the mounting bracket is mounted on the support structure.

Claim 10 (original): The caddy of Claim 9, wherein the cradle member contains a hollow section that slides over a substantially vertical section of the base member and allows the cradle member to telescope on the substantially vertical section of the base member.

Claim 11 (original): The caddy of Claim 1, wherein the cradle member is generally U-shaped.

Claim 12 (original): The caddy of Claim 1, wherein the cradle member comprises an elastic liner.

Claim 13 (original): The caddy of Claim 1, further comprising a strap on the cradle member for securing the weapon.

Claim 14 (original): The caddy of Claim 13, wherein the strap is detachable.

Claim 15 (original): The caddy of Claim 13, wherein the strap comprises an elastic material.

Claim 16 (original): The caddy of Claim 13, wherein the strap comprises holes for receiving pegs extending from the cradle member.

Claim 17 (original): The caddy of Claim 1, further comprising a mechanical fastener for mounting the mounting bracket onto the support structure.

Claim 18 (original): The caddy of Claim 1, wherein the support structure comprises a tree stand.

Claims 19-34 (canceled)

Claim 35 (currently amended): A hunting apparatus comprising:

a support structure; and

at least one caddy for supporting a weapon mounted on the support structure, wherein the at least one caddy is ~~movable to a retracted position toward the support structure and an extended position away from the support structure~~ comprises:

a mounting bracket structured and arranged for mounting on a support structure;

Application No. 10/723,487
Amendment dated February 28, 2005
Reply to Office Action of November 30, 2004

a base member slidably mounted on the mounting bracket;
a coupling between the mounting bracket and the base member
which permits both sliding and rotating movement between the mounting bracket and
base member; and

a cradle member mounted on the base member and structured
and arranged for supporting the weapon.

Claim 36 (original): The hunting apparatus of Claim 35, wherein the support structure comprises a tree stand.

Claim 37 (canceled)

Claim 38 (currently amended): The hunting apparatus of Claim ~~[[37]]~~ 35, further comprising a mechanical fastener for mounting the mounting bracket onto the support structure.

Claim 39 (original): The hunting apparatus of Claim 38, wherein the mechanical fastener comprises a bolt extending through a hole in the mounting bracket and a nut threaded on the bolt.

Claim 40 (currently amended): The hunting apparatus of Claim ~~[[37]]~~ 35, wherein the mounting bracket is welded on the support structure.

Claim 41 (currently amended): The hunting apparatus of Claim ~~[[37]]~~ 35, wherein the mounting bracket is rotatably mounted on the support structure.

Claims 42-43 (canceled)

Claim 44 (currently amended): The hunting apparatus of Claim ~~[[37]]~~ 35, wherein the cradle member is slidably mounted on the base member.

Claim 45 (currently amended): The hunting apparatus of Claim ~~[[37]]~~ 35, further comprising an elastic strap on the cradle member for securing the weapon.

Application No. 10/723,487;
Amendment dated February 28, 2005
Reply to Office Action of November 30, 2004

REMARKS/ARGUMENTS

Upon entry of this Amendment, Claims 1, 3, 4, 7-18, 35, 36, 38, 39-41, 44 and 45 will be pending in the application.

By the present Amendment, independent Claim 1 has been amended to more clearly recite that the caddy for supporting a weapon comprises a coupling between the mounting bracket and the base member which permits both sliding and rotating movement between the mounting bracket and the base member.

Dependent Claims 2, 5 and 6 have been canceled, and dependent Claim 4 has been amended to conform with the language of Claim 1 from which it depends.

Claims 19-34 have been canceled.

Independent Claim 35 has been amended to recite a hunting apparatus comprising a support structure and at least one caddy for supporting a weapon mounted on the support structure, wherein the at least one caddy comprises a mounting bracket structured and arranged for mounting on a support structure, a base member slidably mounted on the mounting bracket, a coupling between the mounting bracket and the base member which permits both sliding and rotating movement between the mounting bracket and base member, and a cradle member mounted on the base member and structured and arranged for supporting the weapon.

Dependent Claims 37, 42 and 43 have been canceled.

Amended independent Claims 1 and 35 recite a single coupling between the mounting bracket and the base member which permits both sliding and rotating movement therebetween. Basis for the amended language of Claims 1 and 35 is provided in the specification, for example, at paragraphs [0019] and [0020]. An example of the recited rotating and sliding coupling is illustrated in Fig. 2.

In the Office Action, Claims 1-10, 13, 17-26, 35-39 and 41-45 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Peterson '708. Claim 12 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Peterson '708 in view of Flaherty '656. Claims 14 and 15 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Peterson '708 in view of Hancock '279. Claims 16, 27, 29, 33 and 34 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Peterson '708 in view

Application No. 10/723,487
Amendment dated February 28, 2005
Reply to Office Action of November 30, 2004

of Peterson '997. Claim 40 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Peterson '708 in view of Plummer '733.

Claims 1 and 11 were also rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Carrillo et al. '556.

Claims 27, 28, 30 and 31 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Hancock '279.

Claim 32 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hancock '279 in view of Flaherty '656.

It is submitted that the claims, as amended, distinguish over the prior art of record. Amended independent Claim 1 recites a caddy for supporting a weapon comprising a mounting bracket, a base member and a cradle member, as well as a coupling between the mounting bracket and the base member which permits both sliding and rotating movement between the mounting bracket and the base member. This combination of features is not taught or suggested by the prior art of record.

As noted in the Office Action, Peterson '708 discloses a caddy comprising a mounting bracket (62, 38), a base member (64) and a cradle member (116-120, 50, 60). According to the Office Action, the mounting bracket is structured and arranged for mounting on a support structure (14), and the base member is slidably mounted on the mounting bracket.

As illustrated in Figs. 2 and 3 of Peterson '708, the base 62 is pivotally mounted on the bracket assembly 38 under the foot platform 14. The arm extension 34 can slidably extend from the base 62. A telescoping strut 116 is mounted on the arm extension 64. As shown most clearly in Fig. 2 of Peterson '708, by pivotally mounting the base 62 under the platform 14, a pivot axis 36 corresponding to a marksman's center of mass is provided which allows the weapon to be swung in response to the marksman's torso motions in pursuit of a target (see column 3, lines 43-59). Separate from the pivot location, another portion of the Peterson '708 apparatus permits a sliding movement, namely, between the base 62 and the extension 64. Thus, the mechanism of Peterson '708 is relatively complex and requires multiple adjustment points. A single rotating and sliding connection between the base 62 and the mounting bracket 38 is not taught or suggested.

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Amendment dated February 28, 2005
Reply to Office Action of November 30, 2004

In contrast, amended Claim 1 recites a coupling between a mounting bracket and a base member which permits both sliding and rotating movement between the mounting bracket and the base member. No such coupling permitting such multiple types of movement is taught or suggested by Peterson '708. Accordingly, Claim 1, and the claims that depend therefrom, are patentable over Peterson '708.

As noted in the Office Action, Carrillo et al. '556 discloses a caddy comprising a mounting bracket (12), a base member (16) and a cradle member (10, 18, 20). According to the Office Action, the mounting bracket is structured and arranged for mounting on a support structure (14), and the base member is slidably mounted on the mounting bracket.

In contrast, amended independent Claim 1 recites a coupling between the mounting bracket and the base member which permits both sliding and rotating movement between the mounting bracket and the base member. Since no such coupling is taught or suggested by Carrillo et al. '556, Claim 1, and the claims that depend therefrom, are patentable thereover.

The remaining prior art of record does not remedy the above-noted deficiencies of Peterson '708 and Carrillo et al. '556.

Amended independent Claim 35 recites a hunting apparatus comprising a support structure and at least one caddy for supporting a weapon mounted on the support structure, wherein the at least one caddy comprises a mounting bracket, a base member and a cradle member, and further comprises a coupling between the mounting bracket and the base member which permits both sliding and rotating movement between the mounting bracket and the base member. As noted above in connection with Claim 1, such a coupling which permits both sliding and rotating movement is not taught or suggested by the prior art of record. Accordingly, Claim 35, and the claims that depend therefrom, are patentable over the prior art of record.

In view of the foregoing amendments and remarks, it is submitted that Claims 1, 3, 4, 7-18, 35, 36, 38, 39-41, 44 and 45 are patentable over the prior art of record. Accordingly, an early Notice of Allowance of this application is respectfully requested.

Application No. 10/723,487
Amendment dated February 28, 2005
Reply to Office Action of November 30, 2004

In the event that any outstanding matters remain in connection with this application, the Examiner is invited to telephone the undersigned at (412) 263-4340 to discuss such matters.

Respectfully submitted,



Alan G. Towner
Registration No. 32,949
Pietragallo, Bosick & Gordon
One Oxford Centre, 38th Floor
301 Grant Street
Pittsburgh, PA 15219
Attorney for Applicants

(412) 263-4340

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 1030
CONNECTION TEL 15712736500
SUBADDRESS
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USAGE T 03'07
PGS. SENT 14
RESULT OK

*RE-SEND
per instructions of Latrice Sims
May 11, 2006*

PIETRAGALLO, BOSICK & GORDON LLP

Attorneys at Law
301 Grant Street
One Oxford Centre, 38th Floor
Pittsburgh, PA 15219-6404
USA

Telephone Number: (412) 263-2000

Direct Fax: (412) 261-0915

Alternate Fax: (412) 261-5295

FACSIMILE TRANSMISSION COVER PAGE

DATE: December 30, 2005
RECIPIENT: Latrice Sims
COMPANY: USPTO Office of Finance
RECIPIENT'S FAX NO.: (571) 273-6500
FROM: Christine J. Graff
FILE NUMBER: U.S. Serial No. 10/723,487, Filed November 26, 2003
(Atty. Docket No. SAMC-63916)

PAGES (including cover page): 14

MESSAGE:

Please process a refund in the amount of \$60 to Deposit Account 500859 (in the name of Pietragallo, Bosick & Gordon). Please issue a credit to the account.

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Please call me directly if you require any additional information.

Attachments: - March 2005 Deposit Account Statement for Deposit



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/723,487 Confirmation No. 9528
Applicant : Scott A. McCuskey et al.
Filed : November 26, 2003
Title : WEAPON CADDY
Art Unit : 3632
Examiner : Gwendolyn Wrenn Baxter

Docket No. : SAMC 63916
Customer No. : 29694

AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 28, 2005

Sir:

In response to the Office Action dated November 30, 2004, please amend the above-identified application as follows.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

03/14/2005 SCALLIHA 00000004 500859 10723487

01 FC:2251 60.00 DA

Adjustment date: 06/12/2006 SFELEKE1
03/14/2005 SCALLIHA 00000004 500859 10723487
01 FC:2251 60.00 CR

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*Charged
See
3-14-05*

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